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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Albania, Australia, Bulgaria, Canada, Czech Republic, Hungary, Iceland, Liechtenstein, Malta, Monaco, New Zealand, Norway and Slovenia: revised draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Prevention and Punishment of the Crime of Genocide[3] and other applicable standards of human rights and humanitarian law,

Recalling its resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995, and taking note of Security Council resolutions 1050 (1996) of 8 March 1996, 1078 (1996) of 9 November 1996 and 1080 (1996) of 15 November 1996, and of Commission on Human Rights resolution 1996/76 of 23 April 1996,

Deeply concerned by the reports of the Special Rapporteur of the Commission on Human Rights and of the Human Rights Field Operation in Rwanda that genocide and systematic and widespread violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXII), annex.

[3] United Nations, Treaty Series, vol. 212, No. I-2861.

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice, and noting in this regard that legislation to govern the prosecution of those accused of genocide or crimes against humanity entered into force on 1 September 1996,

Noting with concern the implications of the current humanitarian crisis in the region,

Welcoming the fact that considerable numbers of refugees have recently returned to Rwanda, and affirming the readiness of the international community to assist the Government of Rwanda in reintegrating these returnees,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda, and that a strengthened human rights component is indispensable to the peace process and post-conflict reconstruction of Rwanda,

Welcoming contributions made by Member States and the European Union to the costs of the Human Rights Field Operation in Rwanda,

Welcoming also the commitment of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of the voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis and Arusha in 1996, and urging Governments in the region to work, in cooperation with the international community, to find durable solutions to the refugee crisis,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in facilitating the voluntary and orderly return of refugees and the reintegration of returnees, in promoting reconciliation, in consolidating a climate of confidence and stability, and in promoting the rehabilitation and reconstruction of Rwanda,

Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned that acts of intimidation and violence directed against refugees, particularly by the former Rwandan authorities, have prevented refugees from returning to their homes,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes region, including initiatives of the Organization of African Unity, States in the region and international organizations, and reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity, to address the problems of the region in a comprehensive manner,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[4] and the report of the Special Rapporteur of the Commission on Human Rights;[5]

I

2. Condemns in the strongest terms the acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that have taken place in Rwanda, as well as cross-border violence in the region;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them and to note the priorities identified by the Government of Rwanda in this area;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations, and that the international community must exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice, in accordance with international principles of due process;

5. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for Rwanda, taking into account the obligations contained in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the Tribunal to the greatest extent possible;

II

6. Encourages the further efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, and in this regard welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

7. Invites all States, the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to continue and to intensify their contributions of financial and technical support to accelerate the efforts of the Government of Rwanda to, inter alia, restore the judicial system, promote reconciliation through the recently established Commission for National Reconciliation and safely reintegrate returning refugees in conditions of safety and dignity, including addressing competing claims to housing and property;

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[4] A/51/478.

[5] A/51/657.

8. Notes with concern the human rights situation in Rwanda as described in the report of the Special Rapporteur, and urges the Government of Rwanda to take all necessary measures in response to the recommendations therein;

9. Expresses grave concern at reports from the Human Rights Field Operation in Rwanda of killings of civilians during attacks on survivors and witnesses of genocide, apparently by militias and insurgents opposed to the Government of Rwanda, and at the reports of the Field Operation which state that civilians have been killed during military search operations by the Rwandese Patriotic Army;

10. Encourages the Government of Rwanda to continue in its efforts to further strengthen the judicial system, including its independence, and urges in particular that the processing of the cases of those in detention be brought to a conclusion expeditiously;

11. Notes with deep concern the reports of the Human Rights Field Operation in Rwanda which state that government officials without legal authority to arrest or imprison continue to do so in several parts of the country, that detainees are held for very long periods before trial and that acute overcrowding threatens the safety of those in detention;

12. Invites the Government of Rwanda to continue efforts to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

13. Emphasizes the importance it attaches to the safety and security of all people in Rwanda, including United Nations personnel and other international staff serving in the country;

14. Welcomes the efforts of the Government of Rwanda, neighbouring countries, the Office of the United Nations High Commissioner for Refugees and the international community to resolve the ongoing humanitarian crisis, and calls upon all parties to take all appropriate measures to ensure the return, resettlement and reintegration of former refugees in conditions of safety and dignity;

15. Commends and encourages the efforts of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees as well as the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to ensure respect for and protection of the human rights of refugees during their return, resettlement and reintegration;

III

16. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, the objectives of which were described in Assembly resolution 50/200, and requests the High Commissioner to continue to report regularly on the activities of the

Field Operation and to continue to cooperate and share information with the Special Rapporteur, in order to assist him in fulfilling his mandate;

17. Welcomes also the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Special Rapporteur and the Human Rights Field Operation in Rwanda and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country and, with a view to further strengthening a climate of mutual confidence and enabling authorities in Rwanda to take immediate action on the findings of the Field Operation, encourages dialogue on human rights issues between the Field Operation and the appropriate authorities at the level of commune, prefecture, and relevant government ministries;

18. Commends the contribution of human rights officers and the United Nations High Commissioner for Human Rights to the promotion and protection of human rights in Rwanda, recognizes that a strong human rights component is an integral and indispensable element of the United Nations response to the situation in Rwanda, and encourages all agencies and organizations of the United Nations system active in Rwanda to coordinate closely with the Field Operation;

19. Recognizes the importance of the United Nations Human Rights Field Operation in Rwanda in contributing to reconciliation and the establishment of confidence in the country, and recommends the strengthening of its presence throughout Rwanda as well as the allocation of sufficient funds and logistical support for that purpose, taking into account the need to train local human rights observers and deploy a sufficient number of human rights field officers, and recognizes also the need for programmes of technical assistance and advisory services for and in consultation with the Government of Rwanda and for Rwandan human rights organizations, and notes in particular the importance of strengthening the institutional capacity of the Rwandan judiciary, and the urgent need for adequate resources in this area;

20. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights and contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems, including through the regular budget of the United Nations;

21. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session, and to the General Assembly at its fifty-second session.